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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,796	07/29/2003	Chiu Chih Chung	AP3039-SJJ1BA01	4525

7590 05/26/2005  
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EXAMINER

DUNWOODY, AARON M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/628,796

Applicant(s)

CHUNG, CHIU CHIH

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's prior art Figure 1 in view of US patent 6106027, Mulvey et al and DE 10225960 C1.

In regards to claim 1, Applicant's prior art Figure 1 discloses an outlet joint of a flexible tube comprising:

- a flexible tube body;
- an inner side of the flexible tube body having an internal tube;
- a protecting ring enclosing the flexible tube body;
- a joint including a sleeve for locking one end of the flexible tube body;
- a water stop block engaged in a lower end of the internal tube, and
- a water stop sleeve tightly engaged to the water stop block;

wherein two ends of an inner surface of the sleeve have inner threads so that one end thereof is screwed to an end portion of the flexible tube body and another end thereof is locked by the water stop sleeve;

wherein the water stop block is a ring; a screw rod protruded from a top of the water stop block which is received in the internal tube; wherein a top surface of the

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water stop sleeve has a receiving groove; an outer surface of the water stop sleeve is formed With external thread which can be locked into one of the sleeve so that after the water stop sleeve is locked, the sleeve is between the sleeve and the inner tube; a thin metal ring is placed between the water stop sleeve and the internal tube for drain-proof,

thereby, by above structure, the water stop block is tightly engaged to the water stop sleeve so that the outlet joint tan suffer from a great water pressure. The Applicant's prior art Figure 1 does not disclose a tightening ring being installed between the internal tube and the flexible tube body; nor, a water stop block being a tapered prolong ring, which on an outer surface of the water stop block has an annular recess for receiving a washer; nor one end of the inner surface of the receiving groove being correspondent to the outer surface of the water stop block for aligning the water stop block to the water stop sleeve as the water stop sleeve is engaged with the water stop block.

Mulvey et al teach a tightening ring (220,320) being installed between the internal tube (114) and the flexible tube body (116) to provide additional dimensional stability to the hose (col. 4, lines 14-18). As Mulvey et al relates a hose having spiral wound outer jacket and end connectors that are secured to the respective ends of the hose by engagement with the spiral wound outer jacket, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a tightening ring installed between the internal tube and the flexible tube body to provide additional dimensional stability to the hose, as taught by Mulvey et al.

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DE 10225960 C1 teaches a water stop block (3) being a tapered prolong ring, which an outer surface of the water stop block has an annular recess (8, 9) for receiving a washer; one end of the inner surface of the receiving groove (7) of the water stop sleeve being correspondent to the outer surface of the water stop block to provide a high pressure tube fitting (title). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the water stop block with a tapered prolong ring, an outer surface of the water stop block with an annular recess for receiving a washer; one end of the inner surface of the receiving groove of the water stop sleeve correspondent to the outer surface of the water stop block, to provide a high pressure tube fitting, as taught by DE 10225960 C1.

### ***Response to Arguments***

Applicant's arguments filed 3/24/2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as Mulvey et al relates a hose having spiral wound outer jacket and end connectors that are secured to the respective ends of the hose by engagement with the spiral wound outer jacket, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a tightening ring installed between the internal tube and the flexible tube body to provide additional dimensional stability to the hose, as taught by Mulvey et al; and, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the water stop block with a tapered prolong ring, an outer surface of the water stop block with an annular recess for receiving a washer; one end of the inner surface of the receiving groove of the water stop sleeve correspondent to the outer surface of the water stop block, to provide a high pressure tube fitting, as taught by DE 10225960 C1.

The Applicant argues that the water stop block of the present invention is not connected directly to any tube. The Examiner disagrees. The term "comprises" is inclusive and fails to exclude unrecited steps. *In re Horvitz*, 168 F 2d 522, 78 USPQ 79 (CCPA 1948). The use of the term "comprising" to introduce the claimed structure means that the device covered by these claims may involve many more elements than those positively recited. *Ex parte Gottzein et al.*, 168 USPQ 176 (PTO Bd. App. 1969). "Consisting" in a claim is construed as definitely excluding therefrom any element not specified therein. *In re Gray*, 53 F 2d 520, 11 USPQ 255 (CCPA 1931). It is well settled

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that the terms "comprising" and "containing" do not exclude the presence of other ingredients than the one or ones recited, and that a claim reciting those ingredients can properly be rejected on a reference disclosing them and additional ingredients. Ex parte Muench, 79 USPQ 92 (PTO Bd. App. 1948). The broad "comprising" and "containing" terminology do not exclude the presence of other ingredients in the composition, unlike the narrow "consisting" language. Swain v. Crittendon, 332 F 2d 820, 141 USPQ 811 (CCPA 1964).

The Applicant argues:

Furthermore, the water stop block 22 of the present invention has a screw rod 222 extended out of the head portion, but the element of the citation '960 has no this structure. Although the citation '960 has an element like the head portion of the water stop block 22 and the prior art of the present invention (see Fig. 1 of the present invention) has a prior art like the screw rod 222 of the present invention, but the two elements in the prior art are not combined.

The Examiner agrees. However, citation '960 teaches a water stop block (3) being a tapered prolong ring, which an outer surface of the water stop block has an annular recess (8, 9) for receiving a washer; one end of the inner surface of the receiving groove (7) of the water stop sleeve being correspondent to the outer surface of the water stop block to provide a high pressure tube fitting (title).

In response to applicant's argument that the main concern of the present invention is that the present invention uses a tightening ring to strong the structure to a have a preferred waterproof effect, a recitation of the intended use of the claimed

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invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody  
Primary Examiner  
Art Unit 3679

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